

Applicants: Adam J. Katz, et al.
U.S. Serial No. 09/936,665
Filed: September 10, 2001
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Support for amended claims 1-7 are found in the specification as originally filed, and therefore do not involve new matter. Entry of these claims is respectfully requested.

Support for the amendment of claim 1 can be found in the originally-filed specification at the following: page 2, line 26; page 12, lines 14-21 and lines 29-32; page 20, lines 13-16.

Support for the amendment of claim 2 can be found in the originally-filed specification at the following: page 2, lines 26-29; page 3, lines 31-32; page 4, lines 24-27; and Example 1 at page 17, lines 19-37 and continuing at page 18, lines 1-3.

Support for the amendment of claim 3 can be found in the originally-filed specification at page 4, lines 35-37 and continuing at page 5, lines 1-4; page 20, lines 9-11.

Support for the amendment of claim 4 can be found in the originally-filed specification at page 2, lines 30-31; page 17, lines 18-20.

The changes to claims 5-7 are merely to correct claim dependency.

Support for new claims 147 and 148 can be found in the originally-filed specification at the following: page 2, line 2; page 12, lines 14-21 and lines 29-32; page 20, lines 13-16.

REJECTION UNDER 35 U.S.C. §101

Applicants are pleased that the Patent Office has withdrawn the rejection of the claims under 35 U.S.C. §101.

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REJECTIONS UNDER 35 U.S.C. §102

Applicants are pleased that the Patent Office has withdrawn the rejection of the claims under 35 U.S.C. §102 in view of: U.S. Patent Nos. 5,486,359, 5,728,739, 5,854,292, 5,827,897, and 5,827,740, and Ailhaud (1983), Vassaux, Ailhaud (1985), Marko, and WO 98/04682.

However, the Patent Office maintains the rejection of the claims in view of Soda. Applicants respectfully traverse the rejection. Soda is a review article that teaches isolated adipose tissue that can be cultured to differentiate into mature adipocytes. However, Soda does not teach adipose-derived stem cells that are multipotent (e.g., cells that differentiate into two or more of any cell consisting of a fat, bone, cartilage, nerve or muscle cell). Since Soda does not teach each and every element of the isolated adipose-derived stem cell as claimed, the teachings in this reference cannot anticipate the claimed cells.

REJECTIONS UNDER 35 U.S.C. §112

The Patent Office rejects claims 140-143 under 35 U.S.C. §112, first paragraph. In response, Applicants traverse the rejection. However, since Applicants have cancelled claims 140-143, the rejection is moot.

REJECTIONS UNDER 35 U.S.C. §103

The Patent Office rejects claims 1-4 and 139-143 under 35 U.S.C. §103 in view of WO 98/04682 (Pittenger) and U.S. Patent No. 5,872,740 (Pittenger).

In response, Applicants respectfully traverse the rejection. None of the Pittenger references suggest or teach the claimed invention.

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OBJECTIONS UNDER 37 C.F.R. §1.75(c)

The Patent Office objects to claims 5-7 under 37 C.F.R. §1.75(c) because they are in improper form as multiple dependent claims. In response, Applicants have amended these claims to read as proper multiple dependent claims.

CONCLUSION

Entry of this amendment and the foregoing remarks in the file of the above-captioned patent application is respectfully requested. Applicants believe that all grounds for rejection of the claims have been successfully requested. Applicants believe that all grounds for rejection of the claims have been successfully overcome and that the claims are now in condition for allowance. Withdrawal of the Patent Office's remaining rejections is requested and prompt allowance of the claims is solicited. If any issues remain in connection with the claims, the Examiner is encouraged to contact the undersigned by telephone to discuss the same.

A fee for the amount of \$375.00.00 is deemed necessary in connection with the filing of this Request for Continued Examination (RCE) under C.F.R. §1.114. Additionally, the fee for a two-month extension of time is \$205.00. Accordingly, the total fees due is \$580.00. Applicants authorize the Patent Office to charge the amount of \$580.00 to Deposit Account No. 50-0306.

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If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-0306.

Respectfully submitted,

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